### IN THE UNITED STATES DISTRICT COURT

#### FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO:	
		•	

v. : DATE FILED: \_\_\_

:

JULIO JUAN MARTINEZ : VIOLATIONS:

21 U.S.C. § 841 (possession with intentto distribute 50 gram or more of cocaine

: base ("crack") - 1 count)

: 18 U.S.C. § 924(c) (1)(possession of a

: firearm in furtherance of drug trafficking

**- 1 count)** 

: 18 U.S.C. § 922(g) (1)(convicted felon in

: possession of a firearm - 1 count)

: Notice of forfeiture

# **INDICTMENT**

### **COUNT ONE**

#### THE GRAND JURY CHARGES THAT:

On or about July 25, 2008, in Allentown, in the Eastern District of Pennsylvania, defendant

### **JULIO JUAN MARTINEZ**

knowingly and intentionally possessed with intent to distribute, 50 grams or more, that is, approximately 237 grams, of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

## **COUNT TWO**

### THE GRAND JURY FURTHER CHARGES THAT:

On or about July 25, 2008, in Allentown, in the Eastern District of Pennsylvania, defendant

### **JULIO JUAN MARTINEZ**

knowingly possessed a firearm, that is, a Smith and Wesson, Model 6906, 9 mm, semi-automatic handgun, serial number TDB7826, loaded with 12 rounds of 9 mm ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute cocaine base ("crack"), in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

## **COUNT THREE**

### THE GRAND JURY FURTHER CHARGES THAT:

On or about July 25, 2008 in Allentown, in the Eastern District of Pennsylvania, defendant

## JULIO JUAN MARTINEZ,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Smith and Wesson, Model 6906, 9 mm, semi-automatic handgun, serial number TDB7826, loaded with 12 rounds of 9 mm ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

### **NOTICE OF FORFEITURE**

#### THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(g)
 and 924(c), set forth in this indictment, defendant

#### **JULIO JUAN MARTINEZ**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of such offenses, including, but not limited to:

- (a) a Smith and Wesson, Model 6906, 9 mm, semi-automatic handgun, serial number TDB7826.;
- (b) one magazine loaded with 12 rounds of 9 mm ammunition; and
- (c) 23 rounds of American Eagle, 9 mm ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

2. As a result of the violation of Title 21, United States Code, Section 841(a)(1), as set forth in this indictment, defendant

#### JULIO JUAN MARTINEZ

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to:

- (i) \$86,155 in United States currency;
- (ii) a Smith and Wesson, Model 6906, 9 mm, semi-automatic handgun, serial number TDB7826; and
- (iii) one magazine loaded with 12 rounds of 9 mm ammunition, and;
- (iv) 23 rounds of American Eagle, 9 mm ammunition.
- (b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offense.
- 3. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:
  - (a) cannot be located upon the exercise of due diligence;
  - (b) has been transferred or sold to, or deposited with, a third party;
  - (c) has been placed beyond the jurisdiction of the Court;
  - (d) has been substantially diminished in value; or
  - (e) has been commingled with other property which cannot be divided with out difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

	A TRUE BILL:	
	GRAND JURY FOREPERSON	
LAURIE MAGID ACTING UNITED STATES ATTORNEY	· ·	